

Only the German version of these Statutes is legally binding. This English version is intended solely for information purposes regarding the legal framework of appointments at Technische Universität Berlin.

I. Legal and Administrative Provisions

Academic Senate

First bylaw amendment to the Appointment Regulations

of 15 July 2020

On 15 July 2020, the Academic Senate of Technische Universität Berlin approved the following bylaw on the basis of Section 101 (8) of the Berlin State Higher Education Act (BerlHG) in the version of 26 July 2011 (GVBl. p. 378), last amended by Article 3 of the Act of 17 December 2019 (GVBl. p. 795), and Section 9 (1) item 5 of the Constitution of Technische Universität Berlin in the revised version of 13. December 2017 (AMBl. TU no. 1/2018, p. 182): *)

Article 1

The following sentences have been added to supplement Section 11 (4) sentence 2 of the Appointment Regulations of 16 January 2019 (TU Official Gazette no. 2/2019):

In the case of an epidemic or pandemic, the Executive Board can determine formats for meetings of appointment committees, including job interviews, which do not require physical presence. These formats must ensure compliance with essential standards, in particular regarding audio-visual quality. They must also enable members of the University public to attend both the teaching demonstration and the lecture in the subject area and ensure that the same conditions apply for all candidates. Use of such formats also permits voting without physical attendance. Section 11 (5) sentence 2 continues to apply.

Article 2

This bylaw takes effect the day following its publication in the Official Gazette of Technische Universität Berlin.

II. Notifications

Executive Board

Ruling of the Executive Board of TU Berlin regarding appointment procedures conducted under pandemic conditions without face-to-face meetings

I. Bases

On 25 March 2020, the Bundestag confirmed an epidemic of national proportions as a result of the spread of the coronavirus (Sars-CoV-2) in Germany (German Bundestag, Stenographic Report, 154th Session on 25 March 2020, 19169 (C), Agenda Item 6a). This ruling has not been revoked and a national epidemic continues to exist.

In a first and second reading on 15 July 2020, the Academic Senate decided in resolution AS 13/810-15.07.2020 as Article I of a bylaw amendment to add the following to Section 11 (4) of the Appointment Regulations of Technische Universität Berlin:

“In the case of an epidemic or pandemic, the Executive Board can determine formats for meetings of appointment committees, including job interviews, which do not require physical presence. These formats must ensure compliance with essential standards, in particular regarding audio-visual quality. They must also enable members of the University public to attend both the teaching demonstration and the lecture in the subject area and ensure that the same conditions apply for all candidates. Use of such formats also permits voting without physical attendance. Section 11 (5) sentence 2 continues to apply.”

Pursuant to Article 2 of the bylaw amendment, these regulations shall enter into force on the day after their publication in the Official Gazette of Technische Universität Berlin.

In accordance with Section 90 (1) sentence 2 BerlHG, the Senate Chancellery - Science and Research - endorsed the bylaw amendment in a written communication dated 21 September 2020.

II. Regulations for appointment procedures at Technische Universität Berlin during a national epidemic

On the basis of Section 11 (3) of the Appointment Regulations for Technische Universität Berlin in the version of the first bylaw amendment to the Appointment Regulations (the amended Appointment Regulations - BO), the Executive Board of Technische Universität Berlin passed the following resolution:

1. The conditions for a non-public session within the meaning of Section 11 (1) BO are met if the members of the appointment committee are connected via an audio-visual transmission information technology system which uses a secure procedure to ensure that the transmission of image and audio data may only take place between persons registered and logged on for the session with a username and password, thus preventing unauthorized third parties from following or participating in the exchange of data (a system hereinafter referred to as “video conferencing”).
2. When issuing invitations to meetings pursuant to Section 11 (2) BO, the chair or the dean must ensure that the information regarding which video conferencing system is to be used is sent out with the invitation and that the necessary login credentials are sent to authorized persons only.
3. Until further notice, Section (4) sentence 2 BO applies with the proviso that a member entitled to vote, who can be clearly heard and seen by others participating in a meeting via video conferencing complying with the requirements stipulated in item 1 above, meets the requirements of physical presence at a meeting.
4. Until further notice, no meetings of appointment committees may take place face-to-face. This applies to both non-public meetings and those open to the University public. Procedures commenced but not completed in face-to-face meetings are to be repeated via video conferencing or continued in face-to-face format after the legal effectiveness of the current resolution of the Executive Board ceases to apply. When deciding on these two options, the appointment committee is required to take account of the constitutional requirement to expedite public administration measures. If there are doubts about

the possibility to conduct the procedure face-to-face at a later date in such a way as to not unduly affect the constitutional rights of the candidates, it is to be assumed that the rights of the candidates are only safeguarded if the procedure is conducted via video conferencing.

5. Pursuant to Section 12 (4) BO, invitations sent to candidates to interview should inform them that, due to the national epidemic, all interviews and demonstration lectures, etc. may only take place via video conferencing. It is not permitted to make recordings of appointment committee meetings or interviews and demonstration lectures, etc. Candidates are to be informed of this in the letters of invitation. The appointment committee is required to provide appropriate assistance to candidates who do not have access to the technical means to participate in the video conferencing system to be used. The faculty will assist the appointment committee with this.
6. If a meeting of the appointment committee requires a secret ballot pursuant to Section 43 (4) sentence 2 BerlHG, this may be conducted in writing (Section 47 (4) sentence 3 BerlHG) or via an online voting procedure, provided it can be ensured that
 - a. login credentials for online voting are only sent to those eligible to vote and are individualized and traceable;
 - b. only those eligible to vote have access to the online voting system;
 - c. votes are registered to prevent a second vote being cast by the same person;
 - d. it is technically impossible to identify a voter by their vote;
 - e. all data protection requirements are observed by the technical architecture of the online voting system and cannot be circumvented or overridden by user interactions.
7. The data protection team (K3 DS) provides binding information regarding which video conferencing systems and which online voting systems fulfill the requirements of this resolution and may be used. It is prohibited to use any system other than those recommended by K3 DS on behalf of the Executive Board.

III. Entry into effect / notice

1. This resolution shall take effect the day following the publication of the bylaw amendment pursuant to AS 13/810-15.07.2020 and the present resolution in the Official Gazette of Technische Universität Berlin. Its effectiveness ceases with the revocation of this resolution and the publication of this revocation in the Official Gazette of Technische Universität Berlin. This resolution will also cease to be effective when the epidemic emergency status for the state of Berlin is revoked by a government agency with responsibility. In addition to publication in the Official Gazette of Technische Universität Berlin, this resolution and any resolutions to amend or revoke must be communicated to the dean's offices of the faculties immediately after the resolution has been passed. All such communications should include a summary of the main points of the resolution.
2. The university-wide announcement by K 3 DS of permissible technical systems as defined in item II above shall be published
 - a. in the Official Gazette of Technische Universität Berlin;
 - b. on the web page of K 3 DS on the website of Technische Universität Berlin;
 - c. via bulletins sent to the dean's offices and Appointments and Strategic Cooperations.

IV. Summary of the key points of this resolution

1. Until further notice, meetings of committees for the appointment of professors may only take place via video conferencing. No face-to-face meetings may take place. This also applies to interviews with candidates and demonstration lectures, etc.
2. Secret voting can be held either in writing or using an online voting system.
3. Proceedings commenced but not completed in face-to-face meetings must be repeated in accordance with the provisions of this resolution. This does not apply to any self-contained proceedings which have been completed.
4. The data protection team (K 3 DS) provides binding information regarding which technical systems may be used (video conferencing, online voting). Only those systems publicly approved by K3 DS may be used.